

DECLARATORY
~~Improvement~~ Res. No. 1264-1970

For the Vacation of Forest Avenue from the
East property line of Inwood Drive to the East
line of Delta Heights Addition.

Resolution Adopted: April 6, 1970

Confirmed: April 6, 1970

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

SEP 3 - 1970

B.O.56-70

DECLARATORY RESOLUTION NO. 1264-1970

For the Vacation of Forest Avenue from the East
property line of Inwood Drive to the East line of
Delta Heights Addition.

PLANS ORDERED:

ADOPTED:

April 6, 1970

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION: WAIVER SIGNED

CONFIRMED:

April 6, 1970

ASSESSMENT ROLL ORDERED: April 6, 1970

ASSESSMENT ROLL APPROVED: Aug. 18, 1970

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Thurs., Sept. 3, 1970, 3:30 p. m.

NOTICE SERVED:

Aug. 21, 1970

ASSESSMENT ROLL CONFIRMED: Sept. 3, 1970

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of Forest Avenue from the East property line of Inwood Drive to the East line of Delta Heights Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Forest Avenue from the East property line of Inwood Drive to the East line of Delta Heights Addition.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 57 and 58, Delta Heights Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, ~~and other public utilities~~ for the construction and maintenance of sewers, ~~water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits~~

All Streets, lots and lands affected by the above described vacation are situated in the Southeast quarter of Section Thirty-two, Township 31 North, Range 13 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

6

DAY OF

April

1970

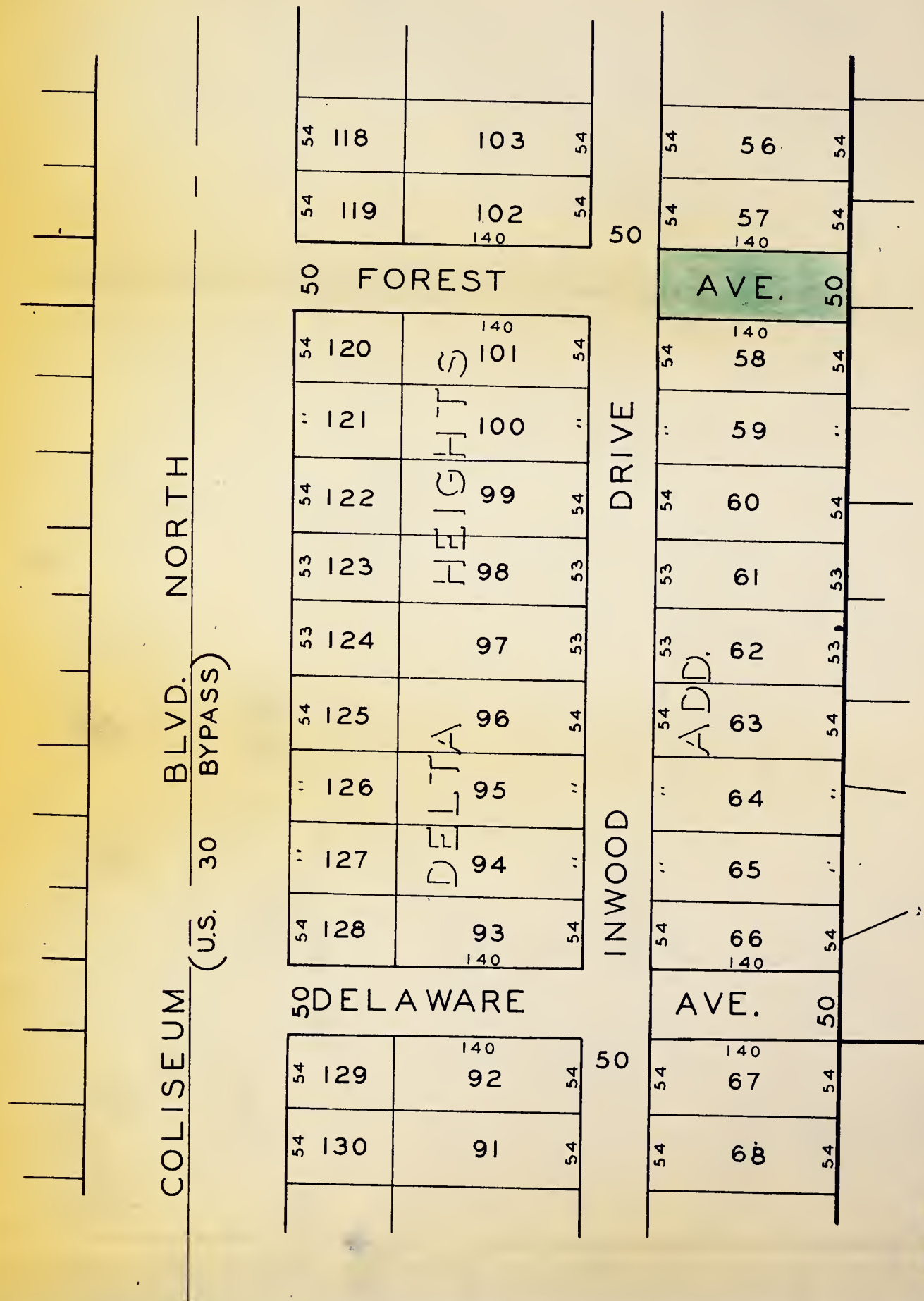
Attest:

Secretary Board of Public Works.

Board of Public Works.



PORTION OF STREETS TO BE VACATED



ENGINEERING
DEPT. OF STREETS

DATE April 2, 1970

NOTED

☒ F.S.E.

☐ R'

☐ G.F.G.

TO: Board of Public Works

SUBJECT: Board Order No. 56-1970

Date

Re: The vacation of Forest Avenue from Inwood Drive to the east line of Delta Heights Addition.

A Declaratory Resolution, drawing and property ownership list, for the above described street vacation, are attached.

The only property owners involved have signed a waiver, which is also attached, so a public hearing will not be necessary.

This vacation was originally petitioned under Board Order No. 116-1969. That number has now been assigned exclusively to the vacation of Delaware Avenue.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:tkk

attachs.

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

55-33-7

Date April 6, 1970

NOTED

☐ F.S.E.
☒ R.W.D.
☐ G.F.G.

Date _____

B.O.56-70

To City Engineer

Subject Dec. 1264-1970 Vacation Forest Avenue

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
encl. Reso. & P. O. List

Signed _____

Reply:

August 13, 1970

Assessment roll of Benefits and Damages completed and attached.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

WAIVER OF PUBLIC HEARING

WHEREAS Jehl Homes Corporation, an Indiana corporation, and Thomas P. Jehl have petitioned the Board of Public Works of the City of Fort Wayne, Indiana, to vacate the following streets located within the corporate limits of the City of Fort Wayne, Indiana:

Delaware Avenue, from the East platted and dedicated right-of-way line of Inwood Drive, East to the East line of Delta Heights Addition, the portion of said street being 50 feet in width and 140 feet in length all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana; and

Forest Avenue, from the East platted and dedicated right-of-way of Inwood Drive, East to the East line of Delta Heights Addition, this portion of said street being 50 feet in width and 140 feet in length, all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

Whereas the statutory proceedings for vacation of any street within the city limits calls for the Board of Public Works to adopt a resolution to that effect, describing the property which may be injuriously affected and shall cause notice of such resolution to be published in a newspaper of general circulation published in such city, once each week for two consecutive weeks, and shall name a date not less than ten days after the last publication at which time such Board will receive or hear remonstrances from persons interested in or affected by such proceedings (Burns Indiana Statutes, 1963 Replacement, Section 48-2001);

Whereas said streets sought to be vacated have never been improved or used as a street or thoroughfare;

Whereas Jehl Homes Corporation is the owner in fee simple of the following described Real Estate in Allen County, Indiana, to-wit:

Lots Numbered 54-75 inclusive, 90, 91, 92, 95-101 inclusive, 120, 121, 125, 126, 129, 130, 131, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, at page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

Whereas Thomas P. Jehl is the owner in fee simple of the following described Real Estate in Allen County, Indiana:

Lots Numbered 123 and 124, in Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana;

Whereas the above-named parties own all of the real estate contiguous to the portion of said streets sought to be vacated, as indicated by the Exhibit attached hereto, made a part hereof, and marked "Exhibit A";

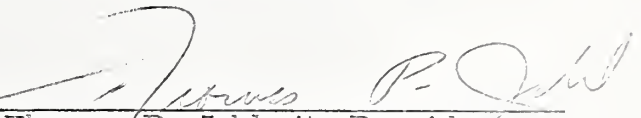
NOW THEREFORE, being fully advised in the premises, the undersigned hereby waive the notice and public hearing required by Burns Indiana Statutes, 1963 Replacement, Section 48-2001, and we respectfully ask the Board of Works of the City of Fort Wayne, Indiana, to vacate the following streets located within the corporate limits of the City of Fort Wayne, Indiana:

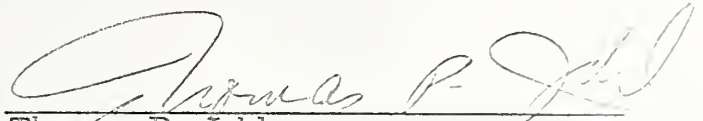
Delaware Avenue, from the East platted and dedicated right-of-way line of Inwood Drive, East to the East line of Delta Heights Addition, the portion of said street being 50 feet in width and 140 feet in length all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana; and

Forest Avenue, from the East platted and dedicated right-of-way of Inwood Drive, East to the East line of Delta Heights Addition, this portion of said street being 50 feet in width and 140 feet in length, all as shown on the plat of Delta Heights Addition to the City of Fort Wayne, as recorded in Plat Record 11, page 85, of the Records in the Office of the Recorder of Allen County, Indiana.

Dated this 12th day of August, 1969.

JEHL HOMES CORPORATION

By: 
Thomas P. Jehl, its President


Thomas P. Jehl


STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, personally appeared Thomas P. Jehl, President of Jehl Homes Corporation, to me known to be such President of said corporation, and acknowledged the execution of the foregoing Waiver of Public Hearing for and on behalf of said corporation and by its authority.

Witness my hand and notarial seal this 12th day of August, 1969.

My Commission Expires:

January 8, 1973


Carol L. Gilbert, Notary Public

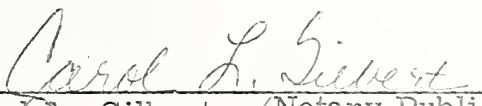
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, personally appeared Thomas P. Jehl and acknowledged the execution of the foregoing Waiver of Public Hearing to be his free and voluntary act and deed.

Witness my hand and notarial seal this 12th day of August, 1969.

My Commission Expires:

January 8, 1973


Carol L. Gilbert, Notary Public

62-374-9
12/29/75
RELEASE OF EASEMENT

Dec. 1264
AGREEMENT made this 26 day of December, 1975, between the CITY OF FORT WAYNE, INDIANA, and THOMAS P. JEHL, Witnesseth:

WHEREAS, on the plat of Delta Heights Addition, as recorded in Plat Record 11 at page 85 in the records in the Office of the Recorder of Allen County, Indiana, a five (5') foot easement was dedicated for sewer, gas, and pole lines across the rear of the following platted lots in said addition:

Lots Numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 131.

NOW, THEREFORE, in consideration of the payment of One (\$1.00) Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, the CITY OF FORT WAYNE, INDIANA, hereby releases and abandons to THOMAS P. JEHL, the easement above-described, with the intention of terminating said easement.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 26 day of December, 1975.

CITY OF FORT WAYNE, INDIANA
Board of Public Works

By: [Signature]

By: Carl E. O'Neal

By: Betty Lou Nault

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named Jerry D. Boswell, Carl E. O'Neal and Betty Lou Nault of the City of Fort Wayne Board of Public Works, and acknowledged the execution of the foregoing Release of Easement for and on behalf of said City and by its authority.

In Witness Whereof, I have hereunto set my hand and seal this 26 day of December, 1975.

My commission expires: December 13, 1976

[Signature]
Notary Public

In connection with vacation of
Delaware Ave and Fort Ave (Res. 12639/1264)

DECLARATORY

Improvement Resolution No. ¹²⁶⁴ - 1970 For THE VACATION OF FOREST AVENUE FROM THE EAST PROPERTY LINE OF INWOOD DRIVE

TO THE EAST ~~PROPERTY~~ LINE OF DELTA HEIGHTS ADDITION

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O.L.	
1	JEHL HOMES CORP.	2220 Kensington Blvd	57			DELTA HEIGHTS ADDITION
2	" " "	" " "	58			" " "
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		TOTAL				



1264

